

**Senate File 2370 - Reprinted**

SENATE FILE 2370  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2296)  
(SUCCESSOR TO SSB 3119)

(As Amended and Passed by the Senate March 11, 2010)

**A BILL FOR**

1 An Act relating to various conservation and recreation  
2 activities under the purview of the department of natural  
3 resources, and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321G.1, Code 2009, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means  
4 a snowmobile riding trail on any public land, private land,  
5 or public ice that has been designated by the department,  
6 a political subdivision, or a controlling authority for  
7 snowmobile use.

8 NEW SUBSECTION. 5B. "*Direct supervision*" means to provide  
9 supervision of another person while maintaining visual and  
10 verbal contact at all times.

11 Sec. 2. Section 321G.1, subsection 19, Code 2009, is amended  
12 to read as follows:

13 19. "*Safety Education certificate*" means a snowmobile  
14 ~~safety~~ education certificate, approved by the commission, which  
15 is issued to a qualified applicant who is twelve years of age  
16 or older.

17 Sec. 3. Section 321G.2, subsection 1, paragraphs c, e, and  
18 f, Code Supplement 2009, are amended to read as follows:

19 c. Use of snowmobiles on designated snowmobile trails  
20 and public lands under the jurisdiction of the commission.

21 e. Establishment of a program of grants, subgrants,  
22 and contracts to be administered by the department for the  
23 development, maintenance, signing, and operation of designated  
24 snowmobile trails and the operation of grooming equipment by  
25 political subdivisions and incorporated private organizations.

26 f. Issuance of ~~safety~~ education certificates.

27 Sec. 4. Section 321G.2, subsection 1, Code Supplement 2009,  
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. 1. Maintenance, signing, and operation of  
30 designated snowmobile trails.

31 Sec. 5. Section 321G.3, subsection 2, Code 2009, is amended  
32 by striking the subsection.

33 Sec. 6. Section 321G.3, subsection 3, Code 2009, is amended  
34 to read as follows:

35 ~~3.~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as

1 a scheduled violation under section 805.8B, subsection 2,  
2 paragraph "a". When the scheduled fine is paid, the violator  
3 shall submit proof to the department that a valid registration  
4 or user permit has been obtained by providing a copy of the  
5 registration or user permit to the department within thirty  
6 days of the date the fine is paid. A person who violates this  
7 subsection is guilty of a simple misdemeanor.

8 Sec. 7. Section 321G.4, subsection 2, Code 2009, is amended  
9 to read as follows:

10 2. The owner of the snowmobile shall file an application  
11 for registration with the department through a the county  
12 recorder of the county of residence in the manner established  
13 by the commission. The application shall be completed by the  
14 owner and shall be accompanied by a fee of fifteen dollars and  
15 a writing fee as provided in section 321G.27. A snowmobile  
16 shall not be registered by the county recorder until the  
17 county recorder is presented with receipts, bills of sale,  
18 or other satisfactory evidence that the sales or use tax has  
19 been paid for the purchase of the snowmobile or that the  
20 owner is exempt from paying the tax. A snowmobile that has  
21 an expired registration certificate from another state may be  
22 registered in this state upon proper application, payment of  
23 all applicable registration and writing fees, and payment of a  
24 penalty of five dollars.

25 Sec. 8. Section 321G.6, subsection 3, Code 2009, is amended  
26 to read as follows:

27 3. Duplicate registrations may be issued ~~upon application~~  
28 ~~to the~~ by a county recorder and or a license agent upon the  
29 payment of a five dollar fee plus a writing fee as provided in  
30 section 321G.27.

31 Sec. 9. Section 321G.7, subsection 1, Code 2009, is amended  
32 to read as follows:

33 1. A county recorder or license agent shall remit to the  
34 commission the snowmobile fees collected by the recorder  
35 or license agent in the manner and time prescribed by the

1 department.

2 Sec. 10. Section 321G.8, subsection 1, Code 2009, is amended  
3 to read as follows:

4 1. Snowmobiles owned and used by the United States,  
5 ~~another~~ this state, or a political subdivision of  
6 ~~another~~ this state.

7 Sec. 11. Section 321G.9, subsection 6, Code 2009, is amended  
8 by striking the subsection.

9 Sec. 12. Section 321G.12, Code 2009, is amended to read as  
10 follows:

11 **321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight —**  
12 **brakes.**

13 Every snowmobile shall be equipped with at least one  
14 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every  
15 snowmobile shall be equipped with brakes.

16 Sec. 13. Section 321G.17, Code 2009, is amended to read as  
17 follows:

18 **321G.17 Violation of stop signal.**

19 A person, ~~after having~~ who has received a visual or audible  
20 signal from a peace officer to come to a stop, shall not  
21 operate a snowmobile in willful or wanton disregard of the  
22 signal, ~~or~~ interfere with or endanger the officer or any other  
23 person or vehicle, ~~or~~ increase speed, or attempt to flee or  
24 elude the officer.

25 Sec. 14. Section 321G.20, Code 2009, is amended to read as  
26 follows:

27 **321G.20 Minors under ~~twelve sixteen~~ — supervision**  
28 **requirements.**

29 1. An owner or operator of a snowmobile shall not permit  
30 a person under twelve years of age to operate and a person  
31 less than twelve years of age shall not operate, a snowmobile  
32 on a designated snowmobile trail, public land, or public  
33 ice except when accompanied on the same snowmobile by a  
34 responsible person of at least eighteen years of age who is  
35 experienced in snowmobile operation and who possesses a valid

1 driver's license, as defined in section 321.1, or a ~~safety~~ an  
2 education certificate issued under this chapter.

3 2. While operating a snowmobile on a designated snowmobile  
4 trail, public land, or public ice, a person twelve to fifteen  
5 years of age and possessing a valid education certificate  
6 must be under the direct supervision of a parent, guardian,  
7 or another adult authorized by the parent or guardian, who is  
8 experienced in snowmobile operation, and who possesses a valid  
9 driver's license, as defined in section 321.1, or an education  
10 certificate issued under this chapter.

11 3. A person under sixteen years of age shall not operate a  
12 snowmobile on or across a public highway unless the person has  
13 in the person's possession an education certificate issued to  
14 the person pursuant to this chapter.

15 Sec. 15. Section 321G.21, subsections 1 through 5, Code  
16 Supplement 2009, are amended to read as follows:

17 1. A manufacturer, distributor, or dealer owning a  
18 snowmobile required to be registered under this chapter  
19 may operate the snowmobile for purposes of transporting,  
20 testing, demonstrating, or selling it without the snowmobile  
21 being registered, except that a special ~~identification~~  
22 ~~number~~ registration decal issued to the owner as provided  
23 in this chapter shall be displayed on the snowmobile in the  
24 manner prescribed by rules of the commission. The special  
25 ~~identification number~~ registration decal shall not be used  
26 on a snowmobile offered for hire or for any work or service  
27 performed by a manufacturer, distributor, or dealer.

28 2. Every manufacturer, distributor, or dealer shall  
29 register with the department by making application to the  
30 commission, upon forms prescribed by the commission, for  
31 a special registration certificate ~~containing a general~~  
32 ~~identification number and for one or more duplicate special~~  
33 registration certificates and decal. The applicant shall pay  
34 a registration fee of ~~fifteen~~ forty-five dollars and submit  
35 reasonable proof of the applicant's status as a bona fide

1 manufacturer, distributor, or dealer as may be required by the  
2 commission.

3 3. The commission, upon granting an application,  
4 shall issue to the applicant a special registration  
5 certificate ~~containing~~ and decal. The special registration  
6 certificate shall contain the applicant's name, and address,  
7 the and general identification number; ~~assigned to~~  
8 ~~the applicant,~~ the word "manufacturer", "dealer", or  
9 "distributor"; and other information the commission  
10 prescribes. ~~The manufacturer, distributor, or dealer shall~~  
11 ~~have the assigned number printed upon or attached to a~~  
12 ~~removable sign or signs which may be temporarily but firmly~~  
13 ~~mounted or attached to the snowmobile being used. The display~~  
14 ~~shall meet the requirements of this chapter and the rules of~~  
15 ~~the commission.~~

16 4. The commission shall also issue duplicate special  
17 registration certificates and decals which shall have displayed  
18 thereon the general identification number assigned to the  
19 applicant. ~~Each duplicate registration certificate so issued~~  
20 ~~shall contain a number or symbol identifying it from every~~  
21 ~~other duplicate special registration certificate bearing~~  
22 ~~the same general identification number.~~ The fee for each  
23 additional duplicate special registration certificate and  
24 decal shall be ~~two~~ five dollars.

25 5. Each special registration certificate issued  
26 ~~hereunder~~ under this section shall be for a period of three  
27 years and shall expire on December 31 of each the renewal year,  
28 ~~and a.~~ A new special registration certificate for the ensuing  
29 ~~twelve months~~ three-year renewal period may be obtained upon  
30 application to the commission and payment of the fee provided  
31 by law.

32 Sec. 16. Section 321G.23, Code 2009, is amended to read as  
33 follows:

34 **321G.23 Course of instruction.**

35 1. The commission shall provide, by rules adopted pursuant

1 to section 321G.2, for the establishment of certified courses  
2 of instruction to be conducted throughout the state for the  
3 safe use and operation of snowmobiles. The curriculum shall  
4 include instruction in the lawful and safe use, operation, and  
5 equipping of snowmobiles consistent with this chapter and rules  
6 adopted by the commission and the director of transportation  
7 and other matters the commission deems pertinent for a  
8 qualified snowmobile operator. The commission may establish  
9 a fee for the course which shall not exceed the actual cost  
10 of instruction minus moneys received by the department from  
11 safety education certificate fees under section 321G.24.

12 2. The commission may certify any experienced, qualified  
13 operator to be an instructor of a class established under  
14 subsection 1. Each instructor shall be at least eighteen years  
15 of age.

16 3. Upon completion of the course of instruction, the  
17 commission shall provide for the administration of a written  
18 test to any student who wishes to qualify for a ~~safety~~ an  
19 education certificate.

20 4. The commission shall provide safety education material  
21 relating to the operation of snowmobiles for the use of  
22 nonpublic or public elementary and secondary schools in this  
23 state.

24 5. The department may develop requirements and standards  
25 for online education offerings. Only vendors who have entered  
26 into a memorandum of understanding with the department  
27 shall be permitted to offer an online course that results  
28 in the issuance of an education certificate approved by the  
29 commission. Vendors may charge for their courses and collect  
30 the education certificate fee required under section 321G.24,  
31 subsection 2, on behalf of the department as agreed to in the  
32 memorandum of understanding.

33 Sec. 17. Section 321G.24, Code Supplement 2009, is amended  
34 to read as follows:

35 **321G.24 Safety Education certificate — fee.**

1 1. A person under eighteen years of age shall not operate a  
2 snowmobile on public land or public ice or land purchased with  
3 snowmobile registration funds in this state without obtaining a  
4 valid ~~safety~~ education certificate issued by the department and  
5 having the certificate in the person's possession, unless the  
6 person is accompanied on the same snowmobile by a responsible  
7 person of at least eighteen years of age who is experienced in  
8 snowmobile operation and possesses a valid driver's license, as  
9 defined in section 321.1, or a ~~safety~~ an education certificate  
10 issued under this chapter.

11 2. Upon ~~application~~ successful completion of the course and  
12 payment of a fee of five dollars, a qualified applicant  
13 shall be issued a ~~safety~~ an education certificate which is  
14 valid until the certificate is suspended or revoked by the  
15 director for a violation of a provision of this chapter or a  
16 rule adopted pursuant to this chapter. ~~The application shall~~  
17 ~~be made on forms issued by the commission and shall contain~~  
18 ~~information as the commission may reasonably require.~~

19 3. Any person who is required to have a ~~safety~~ an  
20 education certificate under this chapter and who has completed  
21 a course of instruction established under section 321G.2,  
22 subsection 1, paragraph "j", including the successful passage  
23 of an examination which includes a written test relating to  
24 such course of instruction, shall be considered qualified to  
25 receive a ~~safety~~ an education certificate.

26 4. The ~~permit~~ certificate fees collected under this section  
27 shall be credited to the special snowmobile fund created under  
28 section 321G.7 and shall be used for safety and educational  
29 programs.

30 5. A valid snowmobile ~~safety~~ or education certificate or  
31 license issued to a nonresident by a governmental authority  
32 of another state shall be considered a valid certificate  
33 or license in this state if the ~~permit~~ certification or  
34 ~~license~~ licensing requirements of the governmental authority,  
35 ~~excluding fees,~~ are substantially the same as the requirements

1 of this chapter as determined by the commission.

2 Sec. 18. Section 321G.29, subsection 8, Code 2009, is  
3 amended to read as follows:

4 8. Once titled, a person shall not sell or transfer  
5 ownership of a snowmobile without delivering to the purchaser  
6 or transferee a certificate of title with an assignment on it  
7 showing title in the ~~purchaser or transferee~~ purchaser's or  
8 transferee's name. A person shall not purchase or otherwise  
9 acquire a snowmobile without obtaining a certificate of title  
10 for it in that person's name.

11 Sec. 19. Section 321G.31, subsection 1, Code 2009, is  
12 amended to read as follows:

13 1. If ownership of a snowmobile is transferred by  
14 operation of law, such as by inheritance, order in bankruptcy,  
15 insolvency, replevin, or execution sale, the transferee, within  
16 thirty days after acquiring the right to possession of the  
17 snowmobile, shall mail or deliver to the county recorder of  
18 the transferee's county of residence satisfactory proof of  
19 ownership as the county recorder requires, together with an  
20 application for a new certificate of title, and the required  
21 fee.

22 Sec. 20. Section 321G.33, subsections 1 and 3, Code 2009,  
23 are amended to read as follows:

24 1. The department may assign a distinguishing number to  
25 a snowmobile when the serial number on the snowmobile is  
26 destroyed or obliterated and issue to the owner a special  
27 ~~plate~~ decal bearing the distinguishing number which shall be  
28 affixed to the snowmobile in a position to be determined by  
29 the department. The snowmobile shall be registered and titled  
30 under the distinguishing number in lieu of the former serial  
31 number. Every snowmobile shall have a vehicle identification  
32 number assigned and affixed as required by the department.

33 3. A person shall not destroy, remove, alter, cover, or  
34 deface the manufacturer's vehicle identification number, the  
35 ~~plate~~ or decal bearing it, or any vehicle identification number

1 the department assigns to a snowmobile without the department's  
2 permission.

3 Sec. 21. Section 321I.1, subsection 1, paragraph b, Code  
4 Supplement 2009, is amended to read as follows:

5 b. Off-road motorcycles shall be considered all-terrain  
6 vehicles for the purpose of registration. Off-road motorcycles  
7 shall also be considered all-terrain vehicles for the  
8 purpose of titling if a title has not previously been  
9 issued pursuant to chapter 321. An operator of an off-road  
10 motorcycle is subject to provisions governing the operation  
11 of all-terrain vehicles in this chapter, but is exempt from  
12 the safety education instruction and certification program  
13 requirements of sections 321I.25 and 321I.26.

14 Sec. 22. Section 321I.1, subsection 16, paragraph b, Code  
15 Supplement 2009, is amended to read as follows:

16 b. An owner of an off-road utility vehicle may register  
17 or title an off-road utility vehicle in order to legally  
18 operate the off-road vehicle on public ice, a designated  
19 riding area, or a designated riding trail. The operator of an  
20 off-road utility vehicle is subject to provisions governing the  
21 operation of all-terrain vehicles in section 321.234A and this  
22 chapter, but is exempt from the safety education instruction  
23 and certification program requirements of sections 321I.25 and  
24 321I.26. An operator of an off-road utility vehicle shall not  
25 operate the vehicle on a designated riding area or designated  
26 riding trail unless the department has posted signage  
27 indicating the riding area or trail is open to the operation  
28 of off-road utility vehicles. Off-road utility vehicles are  
29 exempt from the dealer registration and titling requirements  
30 of this chapter. A motorized vehicle that was previously  
31 titled or is currently titled under chapter 321 shall not be  
32 registered or operated as an off-road utility vehicle.

33 Sec. 23. Section 321I.1, subsection 25, Code Supplement  
34 2009, is amended to read as follows:

35 25. ~~Safety~~ Education certificate means an all-terrain

1 vehicle ~~safety~~ safety education certificate, approved by the  
2 commission, which is issued to a qualified applicant who is  
3 twelve years of age or older.

4 Sec. 24. Section 321I.2, subsection 1, paragraph f, Code  
5 Supplement 2009, is amended to read as follows:

6 f. Issuance of safety education certificates.

7 Sec. 25. Section 321I.3, subsection 2, Code 2009, is amended  
8 by striking the subsection.

9 Sec. 26. Section 321I.3, subsection 3, Code 2009, is amended  
10 to read as follows:

11 ~~3-~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as  
12 a scheduled violation under section 805.8B, subsection 2A,  
13 paragraph "a". When the scheduled fine is paid, the violator  
14 shall submit proof to the department that a valid registration  
15 or user permit has been obtained by providing a copy of the  
16 registration or user permit to the department within thirty  
17 days of the date the fine is paid. A person who violates this  
18 subsection is guilty of a simple misdemeanor.

19 Sec. 27. Section 321I.4, subsection 2, Code 2009, is amended  
20 to read as follows:

21 2. The owner of the all-terrain vehicle shall file an  
22 application for registration with the department through  
23 a the county recorder of the county of residence in the  
24 manner established by the commission. The application shall  
25 be completed by the owner and shall be accompanied by a fee  
26 of fifteen dollars and a writing fee as provided in section  
27 321I.29. An all-terrain vehicle shall not be registered by the  
28 county recorder until the county recorder is presented with  
29 receipts, bills of sale, or other satisfactory evidence that  
30 the sales or use tax has been paid for the purchase of the  
31 all-terrain vehicle or that the owner is exempt from paying the  
32 tax. An all-terrain vehicle that has an expired registration  
33 certificate from another state may be registered in this state  
34 upon proper application, payment of all applicable registration  
35 and writing fees, and payment of a penalty of five dollars.

1     Sec. 28. Section 321I.7, subsections 3 and 4, Code 2009, are  
2 amended to read as follows:

3     3. Duplicate registrations may be issued ~~upon application~~  
4 ~~to the~~ by a county recorder or a license agent and the payment  
5 of a five dollar fee plus a writing fee as provided in section  
6 321I.29.

7     4. A motorcycle, as defined in section 321.1, subsection  
8 40, paragraph "a", may be registered as an all-terrain vehicle  
9 as provided in this section. A motorcycle registered as an  
10 all-terrain vehicle may participate in all programs established  
11 for all-terrain vehicles under this chapter except for the  
12 safety education instruction and certification program.

13     Sec. 29. Section 321I.8, Code 2009, is amended to read as  
14 follows:

15     **321I.8 Fees remitted to commission — appropriation.**

16     1. A county recorder or license agent shall remit to the  
17 commission the all-terrain vehicle fees collected by the  
18 recorder or license agent in the manner and time prescribed by  
19 the department.

20     2. The department shall remit the fees, including user  
21 fees collected pursuant to section 321I.5, to the treasurer  
22 of state, who shall place the money in a special all-terrain  
23 vehicle fund. The money is appropriated to the department for  
24 the all-terrain vehicle programs of the state. The programs  
25 shall include grants, subgrants, contracts, or cost-sharing  
26 of all-terrain vehicle programs with political subdivisions  
27 or incorporated private organizations or both in accordance  
28 with rules adopted by the commission. All-terrain vehicle fees  
29 may be used for the establishment, maintenance, and operation  
30 of all-terrain vehicle recreational riding areas through the  
31 awarding of grants administered by the department. All-terrain  
32 vehicle recreational riding areas established, maintained, or  
33 operated by the use of such grants shall not be operated for  
34 profit. All programs using cost-sharing, grants, subgrants,  
35 or contracts shall establish and implement a safety an

1 education instruction program either singly or in cooperation  
2 with other all-terrain vehicle programs. All-terrain vehicle  
3 fees may be used to support all-terrain vehicle programs on  
4 a usage basis. At least fifty percent of the special fund  
5 shall be available for political subdivisions or incorporated  
6 private organizations or both. Moneys from the special fund  
7 not used by the political subdivisions or incorporated private  
8 organizations or both shall remain in the fund and may be used  
9 by the department for the administration of the all-terrain  
10 vehicle programs. Notwithstanding section 8.33, moneys in the  
11 special fund shall not revert to the general fund of the state  
12 at the end of a fiscal year. Notwithstanding section 12C.7,  
13 subsection 2, interest or earnings on moneys in the special  
14 fund shall remain in the fund.

15 Sec. 30. Section 321I.9, subsection 1, Code 2009, is amended  
16 to read as follows:

17 1. All-terrain vehicles owned and used by the United  
18 States, ~~another~~ this state, or a political subdivision of  
19 ~~another~~ this state.

20 Sec. 31. Section 321I.13, Code 2009, is amended to read as  
21 follows:

22 **321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight —**  
23 **brakes.**

24 Every all-terrain vehicle operated during the hours of  
25 darkness shall display a lighted ~~headlamp~~ headlight and ~~tail~~  
26 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped  
27 with brakes.

28 Sec. 32. Section 321I.17, Code 2009, is amended to read as  
29 follows:

30 **321I.17 Special events.**

31 The department may authorize the holding of organized  
32 special events as defined in this chapter within this state.  
33 The department shall adopt rules relating to the conduct of  
34 special events held under department permits and designating  
35 the equipment and facilities necessary for the safe operation

1 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road  
2 utility vehicles and for the safety of operators, participants,  
3 and observers in the special events. ~~A special event for~~  
4 ~~all-terrain vehicles may include motorcycles upon payment of~~  
5 ~~an entrance fee set by the organizer of the special event. The~~  
6 ~~department may require that part of the motorcycle entrance~~  
7 ~~fee be credited to pay costs of all-terrain vehicle programs~~  
8 ~~authorized pursuant to section 321I.8. At least thirty~~  
9 days before the scheduled date of a special event in this  
10 state, an application shall be filed with the department for  
11 authorization to conduct the special event. The application  
12 shall set forth the date, time, and location of the proposed  
13 special event and any other information the department  
14 requires. The special event shall not be conducted without  
15 written authorization of the department. ~~Copies of the rules~~  
16 ~~shall be furnished by the department to any person making an~~  
17 ~~application.~~

18 Sec. 33. Section 321I.18, Code 2009, is amended to read as  
19 follows:

20 **321I.18 Violation of stop signal.**

21 A person, ~~after having~~ who has received a visual or audible  
22 signal from a peace officer to come to a stop, shall not  
23 operate an all-terrain vehicle in willful or wanton disregard  
24 of the signal, ~~or~~ interfere with or endanger the officer or any  
25 other person or vehicle, ~~or~~ increase speed, or attempt to flee  
26 or elude the officer.

27 Sec. 34. Section 321I.21, subsection 1, Code 2009, is  
28 amended to read as follows:

29 1. The person is taking a prescribed safety education  
30 training course and the operation is under the direct  
31 supervision of a certified all-terrain vehicle ~~safety~~  
32 education instructor.

33 Sec. 35. Section 321I.22, subsections 1 through 5, Code  
34 Supplement 2009, are amended to read as follows:

35 1. A manufacturer, distributor, or dealer owning an

1 all-terrain vehicle required to be registered under this  
2 chapter may operate the all-terrain vehicle for purposes of  
3 transporting, testing, demonstrating, or selling it without the  
4 all-terrain vehicle being registered, except that a special  
5 ~~identification number~~ registration decal issued to the owner as  
6 provided in this chapter shall be displayed on the all-terrain  
7 vehicle in the manner prescribed by rules of the commission.  
8 The special ~~identification number~~ registration decal shall not  
9 be used on an all-terrain vehicle offered for hire or for any  
10 work or service performed by a manufacturer, distributor, or  
11 dealer.

12 2. Every manufacturer, distributor, or dealer shall  
13 register with the department by making application to the  
14 commission, upon forms prescribed by the commission, for  
15 a special registration certificate ~~containing a general~~  
16 ~~identification number and for one or more duplicate special~~  
17 ~~registration certificates and decal.~~ The applicant shall pay  
18 a registration fee of ~~fifteen~~ forty-five dollars and submit  
19 reasonable proof of the applicant's status as a bona fide  
20 manufacturer, distributor, or dealer as may be required by the  
21 commission.

22 3. The commission, upon granting an application,  
23 shall issue to the applicant a special registration  
24 certificate ~~containing~~ and decal. The special registration  
25 certificate shall contain the applicant's name, and address,  
26 ~~the and~~ general identification number; ~~assigned to~~  
27 ~~the applicant,~~ the word "manufacturer", "dealer", or  
28 "distributor"; and other information the commission  
29 prescribes. ~~The manufacturer, distributor, or dealer shall~~  
30 ~~have the assigned number printed upon or attached to a~~  
31 ~~removable sign or signs which may be temporarily but firmly~~  
32 ~~mounted or attached to the all-terrain vehicle being used. The~~  
33 ~~display shall meet the requirements of this chapter and the~~  
34 ~~rules of the commission.~~

35 4. The commission shall also issue duplicate special

1 registration certificates and decals which shall have displayed  
2 thereon the general identification number assigned to the  
3 applicant. ~~Each duplicate registration certificate so issued~~  
4 ~~shall contain a number or symbol identifying it from every~~  
5 ~~other duplicate special registration certificate bearing~~  
6 ~~the same general identification number.~~ The fee for each  
7 additional duplicate special registration certificate and  
8 decals shall be ~~two~~ five dollars.

9       5. Each special registration certificate issued  
10 ~~hereunder~~ under this section shall be for a period of three  
11 years and shall expire on December 31 of each the renewal year,  
12 ~~and a.~~ A new special registration certificate for the ensuing  
13 ~~twelve months~~ three-year renewal period may be obtained upon  
14 application to the commission and payment of the fee provided  
15 by law.

16       Sec. 36. Section 321I.25, Code 2009, is amended to read as  
17 follows:

18       **321I.25 Course of instruction.**

19       1. The commission shall provide, by rules adopted pursuant  
20 to section 321I.2, for the establishment of certified courses  
21 of instruction to be conducted throughout the state for the  
22 safe use and operation of all-terrain vehicles. The curriculum  
23 shall include instruction in the lawful and safe use,  
24 operation, and equipping of all-terrain vehicles consistent  
25 with this chapter and rules adopted by the commission ~~and the~~  
26 ~~director of transportation and other matters the commission~~  
27 ~~deems pertinent for a qualified all-terrain vehicle operator.~~  
28 The commission may establish a fee for the course which shall  
29 not exceed the actual cost of instruction minus moneys received  
30 by the department from safety education certificate fees under  
31 section 321I.26.

32       2. The commission may certify any experienced, qualified  
33 operator to be an instructor of a class established under  
34 subsection 1. Each instructor shall be at least eighteen years  
35 of age.

1 3. Upon completion of the course of instruction, the  
2 commission shall provide for the administration of either a  
3 written test or the demonstration of adequate riding skills  
4 to any student who wishes to qualify for ~~a safety an~~  
5 education certificate.

6 4. The commission shall provide safety education material  
7 relating to the operation of all-terrain vehicles for the use  
8 of nonpublic or public elementary and secondary schools in this  
9 state.

10 5. The department may develop requirements and standards  
11 for online education offerings. Only vendors who have entered  
12 into a memorandum of understanding with the department  
13 shall be permitted to offer an online course that results  
14 in the issuance of an education certificate approved by the  
15 commission. Vendors may charge for their courses and collect  
16 the education certificate fee required under section 321I.26,  
17 subsection 2, on behalf of the department as agreed to in the  
18 memorandum of understanding.

19 Sec. 37. Section 321I.26, Code Supplement 2009, is amended  
20 to read as follows:

21 **321I.26 Safety Education certificate — fee.**

22 1. A person twelve years of age or older but less than  
23 eighteen years of age shall not operate an all-terrain vehicle  
24 on public land or ice or land purchased with all-terrain  
25 vehicle registration funds in this state without obtaining a  
26 valid safety education certificate issued by the department and  
27 having the certificate in the person's possession.

28 2. Upon ~~application~~ successful completion of the course and  
29 payment of a fee of five dollars, a qualified applicant  
30 shall be issued ~~a safety an~~ education certificate which is  
31 valid until the certificate is suspended or revoked by the  
32 director for a violation of a provision of this chapter or a  
33 rule adopted pursuant to this chapter. ~~The application shall~~  
34 ~~be made on forms issued by the commission and shall contain~~  
35 ~~information as the commission may reasonably require.~~

1 3. Any person who is required to have a ~~safety~~ an  
2 education certificate under this chapter and who has completed  
3 a course of instruction established under section 321I.2,  
4 subsection 1, paragraph "i", including the successful passage  
5 of an examination which includes either a written test relating  
6 to such course of instruction or the demonstration of adequate  
7 riding skills, shall be considered qualified to receive a  
8 ~~safety~~ an education certificate.

9 4. The ~~permit~~ certificate fees collected under this section  
10 shall be credited to the special all-terrain vehicle fund and  
11 shall be used for ~~safety~~ and educational programs.

12 5. A valid all-terrain vehicle ~~safety~~ or education  
13 certificate or license issued to a nonresident by a  
14 governmental authority of another state shall be considered  
15 a valid certificate or license in this state if the  
16 ~~permit~~ certification or ~~license~~ licensing requirements of the  
17 governmental authority, ~~excluding fees~~, are substantially the  
18 same as the requirements of this chapter as determined by the  
19 commission.

20 Sec. 38. Section 321I.31, subsection 8, Code 2009, is  
21 amended to read as follows:

22 8. Once titled, a person shall not sell or transfer  
23 ownership of an all-terrain vehicle without delivering to  
24 the purchaser or transferee a certificate of title with  
25 an assignment on it showing title in the ~~purchaser~~ or  
26 ~~transferee~~ purchaser's or transferee's name. A person shall  
27 not purchase or otherwise acquire an all-terrain vehicle  
28 without obtaining a certificate of title for it in that  
29 person's name.

30 Sec. 39. Section 321I.33, subsection 1, Code 2009, is  
31 amended to read as follows:

32 1. If ownership of an all-terrain vehicle is transferred by  
33 operation of law, such as by inheritance, order in bankruptcy,  
34 insolvency, replevin, or execution sale, the transferee,  
35 within thirty days after acquiring the right to possession of

1 the all-terrain vehicle, shall mail or deliver to the county  
2 recorder of the transferee's county of residence satisfactory  
3 proof of ownership as the county recorder requires, together  
4 with an application for a new certificate of title, and the  
5 required fee.

6 Sec. 40. Section 321I.35, subsections 1 and 3, Code 2009,  
7 are amended to read as follows:

8 1. The department may assign a distinguishing number to an  
9 all-terrain vehicle when the serial number on the all-terrain  
10 vehicle is destroyed or obliterated and issue to the owner a  
11 special plate decal bearing the distinguishing number which  
12 shall be affixed to the all-terrain vehicle in a position to be  
13 determined by the department. The all-terrain vehicle shall be  
14 registered and titled under the distinguishing number in lieu  
15 of the former serial number. Every all-terrain vehicle shall  
16 have a vehicle identification number assigned and affixed as  
17 required by the department.

18 3. A person shall not destroy, remove, alter, cover, or  
19 deface the manufacturer's vehicle identification number, the  
20 plate or decal bearing it, or any vehicle identification number  
21 the department assigns to an all-terrain vehicle without the  
22 department's permission.

23 Sec. 41. Section 455A.13, Code 2009, is amended to read as  
24 follows:

25 **455A.13 State nurseries.**

26 1. Notwithstanding section 17A.2, subsection 11,  
27 paragraph "g", the department of natural resources shall adopt  
28 administrative rules establishing a range of prices of plant  
29 material grown at the state forest nurseries to cover all  
30 expenses related to the growing of the plants. The department  
31 is authorized to sell plant material in other states.

32 ~~1.~~ 2. The department shall develop programs to encourage  
33 the wise management and preservation of existing woodlands  
34 and shall continue its efforts to encourage forestation and  
35 reforestation on private and public lands in the state.

1     ~~2.~~ 3. The department shall encourage a cooperative  
2 relationship between the state forest nurseries and private  
3 nurseries in the state in order to achieve these goals.

4     Sec. 42. Section 461C.2, subsection 5, Code 2009, is amended  
5 to read as follows:

6     5. "*Recreational purpose*" means the following or any  
7 combination thereof: Hunting, trapping, horseback riding,  
8 fishing, swimming, boating, camping, picnicking, hiking,  
9 pleasure driving, motorcycling, all-terrain vehicle  
10 riding, nature study, water skiing, snowmobiling, other  
11 summer and winter sports, and viewing or enjoying historical,  
12 archaeological, scenic, or scientific sites while going to and  
13 from or actually engaged therein.

14     Sec. 43. Section 462A.2, Code 2009, is amended by adding the  
15 following new subsection:

16     NEW SUBSECTION. 43A. "*Watercraft education certificate*"  
17 means a certificate, approved by the commission, which is  
18 issued to a qualified applicant who is twelve years of age or  
19 older but less than eighteen years of age who has successfully  
20 completed a watercraft education course approved by the  
21 department.

22     Sec. 44. Section 462A.12, subsection 6, Code 2009, is  
23 amended to read as follows:

24     6. An owner or operator of a vessel propelled by a motor  
25 of more than ten horsepower shall not permit any person  
26 under twelve years of age to operate the vessel unless  
27 accompanied in or on the same vessel by a responsible person  
28 of at least eighteen years of age who is experienced in  
29 motorboat operation. A person who is twelve years of age  
30 or older but less than eighteen years of age shall not  
31 operate any vessel propelled by a motor of more than ten  
32 horsepower unless the person has successfully completed a  
33 department-approved watercraft safety education course and  
34 obtained a watercraft safety education certificate or is  
35 accompanied in or on the same vessel by a responsible person

1 of at least eighteen years of age who is experienced in  
2 motorboat operation. A person required to have a watercraft  
3 ~~safety~~ education certificate shall carry and shall exhibit or  
4 make available the certificate upon request of an officer of  
5 the department. A violation of this subsection is a simple  
6 misdemeanor as provided in section 462A.13. However, a person  
7 charged with violating this subsection shall not be convicted  
8 if the person produces in court, within a reasonable time, a  
9 ~~department-approved~~ watercraft education certificate. The  
10 cost of a ~~department~~ watercraft education certificate, or any  
11 duplicate, shall not exceed five dollars.

12 Sec. 45. NEW SECTION. 462A.12A Online watercraft education  
13 courses.

14 1. The department shall develop requirements and standards  
15 for online watercraft education courses. Only vendors who have  
16 entered into a memorandum of understanding with the department  
17 shall be approved by the department to offer an online  
18 watercraft education course that upon successful completion is  
19 sufficient to result in the issuance of a watercraft education  
20 certificate to the person who completes the course.

21 2. A vendor approved to offer an online watercraft education  
22 course as provided in subsection 1 may charge a fee for the  
23 course as agreed to in the memorandum of understanding with  
24 the department and may also collect the watercraft education  
25 certificate fee on behalf of the department as agreed to in the  
26 memorandum of understanding.

27 Sec. 46. Section 462A.36, Code 2009, is amended to read as  
28 follows:

29 462A.36 Fee for special certificate — minimum requirements  
30 for issuance.

31 1. Any manufacturer or dealer may, upon payment of a fee of  
32 fifteen dollars, make application to the commission, upon such  
33 forms as the commission prescribes, for a special certificate  
34 containing a general distinguishing number and for one or more  
35 duplicate special certificates. The applicant shall submit

1 such reasonable proof of the applicant's status as a bona fide  
2 manufacturer or dealer as the commission may require.

3 2. The commission may adopt rules consistent with this  
4 chapter establishing minimum requirements for a dealer or  
5 manufacturer to be issued a special certificate. In adopting  
6 such rules the department shall consider the need to protect  
7 persons, property, and the environment, and to promote uniform  
8 practices relating to the sale and use of vessels. The  
9 commission may also adopt rules providing for the suspension or  
10 revocation of a dealer's or manufacturer's special certificate  
11 issued pursuant to this section.

12 Sec. 47. Section 462A.38, Code 2009, is amended to read as  
13 follows:

14 **462A.38 ~~Duplicates~~ Duplicate special certificates.**

15 The commission shall also issue duplicate special  
16 certificates as applied for which shall have displayed  
17 thereon the general distinguishing number assigned to the  
18 applicant. ~~Each duplicate special certificate so issued shall~~  
19 ~~contain a number or symbol identifying the same from every~~  
20 ~~other duplicate special certificate bearing the same general~~  
21 ~~distinguishing number.~~ The fee for each additional duplicate  
22 special certificate shall be two dollars.

23 Sec. 48. Section 462A.39, Code 2009, is amended to read as  
24 follows:

25 **462A.39 Expiration date.**

26 Each special certificate issued ~~hereunder~~ under this  
27 chapter shall be for a period of three years and shall expire  
28 at midnight on April 30 of the last calendar year of the  
29 registration period, and a new special certificate may be  
30 renewed for the ensuing registration another three-year period  
31 ~~may be obtained~~ upon application to the commission and payment  
32 of the fee provided by law.

33 Sec. 49. Section 462A.46, Code 2009, is amended to read as  
34 follows:

35 **462A.46 Purchase of registered vessel by dealer.**

1 Whenever a dealer purchases or otherwise acquires a  
2 vessel registered in this state, the dealer shall issue a  
3 signed receipt to the previous owner, indicating the date of  
4 purchase or acquisition, the name and address of such previous  
5 owner, and the registration number of the vessel purchased  
6 or acquired. ~~The original receipt shall be delivered to the~~  
7 ~~previous owner and one copy shall be mailed or delivered by~~  
8 ~~the dealer to the county recorder of the county in which the~~  
9 ~~vessel is registered, and one copy shall be delivered to the~~  
10 ~~commission within forty-eight hours.~~

11 Sec. 50. Section 462A.52, subsections 2 and 3, Code 2009,  
12 are amended to read as follows:

13 2. Notwithstanding subsection 1, any increase in revenues  
14 received on or after July 1, ~~2007~~ 2010, but on or before June  
15 30, 2013, pursuant to this section as a result of fee increases  
16 pursuant to 2005 Acts, ch. 137, shall be used by the commission  
17 only for the administration and enforcement of programs to  
18 control aquatic invasive species and for the administration and  
19 enforcement of navigation laws and water safety ~~upon the inland~~  
20 ~~waters of this state~~ and shall be used in addition to funds  
21 already being expended by the commission each year for these  
22 purposes. The commission shall not reduce the amount of other  
23 funds being expended on an annual basis for these purposes  
24 as of July 1, 2005, during the period of the appropriation  
25 provided for in this subsection.

26 3. The commission shall submit a written report to the  
27 general assembly by December 31, ~~2007~~ 2010, and by December 31  
28 of each year thereafter through December 31, 2013, summarizing  
29 the activities of the department in administering and enforcing  
30 programs to control aquatic invasive species and administering  
31 and enforcing navigation laws and water safety ~~upon the inland~~  
32 ~~waters of the state~~. The report shall include information  
33 concerning the amount of revenues collected pursuant to this  
34 section as a result of fee increases pursuant to 2005 Acts,  
35 ch. 137, and how the revenues were expended. The report shall

1 also include information concerning the amount and source of  
2 all other funds expended by the commission during the year for  
3 the purposes of administering and enforcing programs to control  
4 aquatic invasive species and administering and enforcing  
5 navigation laws and water safety ~~upon the inland waters of the~~  
6 ~~state~~ and how the funds were expended.

7 Sec. 51. Section 481A.22, Code 2009, is amended to read as  
8 follows:

9 **481A.22 Field and retriever meets or trials — permit**  
10 **required.**

11 1. All officially sanctioned field meets or trials  
12 and retriever meets or trials where the skill of dogs is  
13 demonstrated in pointing, retrieving, trailing, or chasing any  
14 game bird, game animal, or fur-bearing animal shall require a  
15 field meet or trial permit. Except as otherwise provided by  
16 law, it shall be unlawful to kill any wildlife in such events.

17 2. Notwithstanding the provisions of section 481A.21 it  
18 shall be lawful to hold field meets or trials and retriever  
19 meets or trials where dogs are permitted to work in exhibition  
20 or contest whereby the skill of dogs is demonstrated by  
21 retrieving dead or wounded game birds which have been  
22 propagated by licensed game breeders within the state or  
23 secured from lawful sources outside the state and lawfully  
24 brought into the state. All such birds must be released on  
25 the day of the meets or trials on premises where the meets  
26 or trials are held.

27 3. a. ~~Such birds~~ Birds released pursuant to subsection  
28 2 may be shot by official guns after having secured a permit as  
29 herein provided.

30 b. Such permits may be issued by the director of the  
31 department upon proper application and the payment of a fee  
32 of ~~two~~ twenty-five dollars for each meet or trial held, with  
33 the exception of meets or trials held for raccoon hunting, for  
34 which the fee shall be eight dollars.

35 4. A representative of the department shall attend all such

1 meets or trials and enforce the laws and regulations governing  
2 ~~same~~ the meets or trials.

3 5. The person or persons designated by the committee in  
4 charge to do the shooting for such meets or trials shall be  
5 known as the official guns, and no other person shall be  
6 permitted to kill or attempt to kill any of the birds released  
7 for such meets or trials.

8 6. Before any birds are released under this section,  
9 they ~~must~~ shall each have attached a tag provided by the  
10 department and attached by a representative of the department  
11 at a cost of not more than ten cents for each tag. All tags  
12 ~~are to~~ shall remain attached to birds until prepared for  
13 consumption.

14 7. It is unlawful for any person to hold, conduct, or to  
15 participate in a field or retriever meet or trial before the  
16 permit required by this section has been secured or for any  
17 person to possess or remove from the meet or trial grounds any  
18 birds which have not been tagged as herein required.

19 Sec. 52. NEW SECTION. 481A.41 **Feeding or baiting of**  
20 **wildlife prohibited.**

21 1. As used in this section, unless the context otherwise  
22 requires:

23 a. "*Baited area*" means any area where any feed is  
24 intentionally placed, deposited, distributed, or scattered for  
25 the sole purpose of luring, attracting, or enticing wildlife  
26 to, on, or over a specific location. An area shall remain a  
27 baited area for thirty days following complete removal of all  
28 feed.

29 b. "*Feed*" means any grain, fruit, vegetable, nut, hay,  
30 salt, mineral, or any other natural food material, commercial  
31 products containing natural food materials or by-products of  
32 such materials, or other food material that is capable of  
33 luring, attracting, or enticing wildlife. Scents or lures used  
34 to mask human odor or attract wildlife by the sense of smell  
35 are not considered feed.

1     *c.* "Livestock" means the same as defined in section 717.1.

2     *d.* "Wildlife" means any wild bird or wild animal, except  
3 fish or turtles, residing in or migrating through the state of  
4 Iowa.

5     2. Except as provided in subsection 3, it shall be unlawful  
6 for a person to establish or maintain a baited area on any  
7 public or private property, or to knowingly allow another  
8 person to establish or maintain a baited area on private  
9 property in the state under the person's lawful control. It  
10 shall be unlawful for a person to hunt, take, or attempt to  
11 take any wildlife on or in a baited area.

12     3. The prohibitions contained in subsection 2 are not  
13 applicable to the following:

14     *a.* Feed that is used to attract wildlife for viewing and  
15 observation if the feed is placed within fifty yards of a  
16 residence, dwelling, or other structure inhabited by a person.  
17 However, such an area shall be considered a baited area for the  
18 purpose of hunting, taking, or attempting to take wildlife in  
19 or on that area.

20     *b.* Feed that is present solely as a result of normal  
21 agricultural, forest management, orchard management, wildlife  
22 food planting, or other similar land management practices.

23     *c.* Feed that is placed for agricultural or livestock  
24 purposes if one or more of the following conditions apply:

25         (1) The feed is placed for domestic livestock that are  
26 present and actively consuming the feed on a regular basis.

27         (2) The feed is stored in a manner consistent with the  
28 person's normal agricultural practices.

29     *d.* Feed that is placed for purposes such as including  
30 but not limited to population control, capture and handling  
31 of wildlife, or other specific purposes under written  
32 authorization from the director or the director's designee,  
33 or as otherwise provided by law. This section shall not be  
34 construed to limit employees of state or county agencies,  
35 the United States, or local animal control officers in the

1 performance of their official duties related to education,  
2 public health, wildlife management, or wildlife removal.

3 e. Feed that is placed for the purpose of luring fur-bearing  
4 animals for hunting or trapping as permitted by law.

5 f. Feed that is placed within the confines of a whitetail  
6 deer hunting preserve that is licensed by the department  
7 pursuant to chapter 484C.

8 g. Recreational feeding of waterfowl at federal, state,  
9 county, or city parks or refuges if not otherwise prohibited by  
10 the managing agency or municipality of such parks or refuges.

11 3A. When entering private property, a person who is an  
12 official or agent of the department, or a person accompanying  
13 such an official or agent of the department shall comply with  
14 the provisions of section 455B.103. The person shall also  
15 comply with standard biosecurity requirements customarily  
16 required by the owner of livestock on the property and which  
17 are necessary in order to control the spread of disease among a  
18 livestock or wildlife population.

19 4. A person who violates any provision of this section  
20 is guilty of a simple misdemeanor punishable as a scheduled  
21 violation under section 805.8B, subsection 3, paragraph "e".

22 5. In addition to any other penalties imposed under this  
23 section, a person charged with unlawful establishment or  
24 maintenance of a baited area shall immediately remove all feed  
25 from the baited area. Failure to do so shall constitute an  
26 additional violation of this section for each day that the feed  
27 remains.

28 6. During the twelve-month period beginning July 1,  
29 2010, and ending June 30, 2011, peace officers shall issue  
30 only warning citations for violations of this section. This  
31 subsection is repealed July 1, 2011.

32 Sec. 53. Section 483A.1, subsection 2, paragraph s, Code  
33 Supplement 2009, is amended by striking the paragraph.

34 Sec. 54. Section 805.8B, subsection 2, paragraphs a and g,  
35 Code Supplement 2009, are amended to read as follows:

1     *a.* For registration or user permit violations under section  
2 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is  
3 fifty dollars.

4     *g.* For violations of section 321G.20 and for  
5 safety education certificate violations under section  
6 321G.24, subsection 1, the scheduled fine is fifty dollars.

7     Sec. 55. Section 805.8B, subsection 2A, paragraphs a and g,  
8 Code Supplement 2009, are amended to read as follows:

9     *a.* For registration or user permit violations under section  
10 321I.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is  
11 fifty dollars.

12     *g.* For violations of section 321I.21 and for  
13 safety education certificate violations under section  
14 321I.26, subsection 1, the scheduled fine is fifty dollars.

15     Sec. 56. Section 805.8B, subsection 3, paragraph e, Code  
16 Supplement 2009, is amended to read as follows:

17     *e.* For violations of sections 481A.41, 481A.57, 481A.85,  
18 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9,  
19 482.15, and 483A.42, the scheduled fine is one hundred dollars.

20     Sec. 57. Section 805.8B, subsection 6, paragraph c, Code  
21 Supplement 2009, is amended to read as follows:

22     *c.* For violations of ~~section~~ sections 461A.35, 461A.42,  
23 and 461A.44, the scheduled fine is fifty dollars.

24     Sec. 58. REPEAL. Sections 462A.40 and 462A.42, Code 2009,  
25 are repealed.

26     Sec. 59. REPEAL. Chapter 568, Code 2009, is repealed.